



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,403	09/05/2000	Seong Whan Kim	K-213	8206
34610	7590	11/06/2003		
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			EXAMINER D AGOSTA, STEPHEN M	
			ART UNIT 2683	PAPER NUMBER 10

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,403

Applicant(s)

KIM ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 379.
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 1.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10-14-03 have been fully considered but they are not persuasive:

1. The Foreign Priority objection has been overcome.
2. The applicant argues that the prior art does not disclose "a broadcast indicator to notify whether a BTS is transmitting a broadcast message to a mobile terminal". The examiner disagrees. Paramount to this rejection is the fact Khalil's disclosure (in claims 1 and 7) that a mobile-generated message is broadcast by the BTS reads on the claim. Essentially, Khalil uses the BTS as an interim pass-through to broadcast a mobile-generated message that contains a broadcast indicator (again, claims 1 and 7).

Hence the claims, as interpreted by the examiner, clearly show that it does not matter who generates the message (ie. the mobile or the BTS), the prior art cited reads on the claim and stands as a valid rejection. **The Office Action below is Non-Final since earlier objections were changed to rejections.**

2. The applicant argues that neither Rydbeck, Willey or Butler disclose a broadcast indicator. While this is true, the examiner uses Khalil to address this limitation (see #1 above).
3. All other arguments were based on the above discussion and have been addressed (as have New claims 37-82 below).

Claim Objections

Claim 61 objected to because of the following informalities: The term "OPCH" is believed to be a typo, it should be "QPCH" (?). If not, where is it referred to in the specification? Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 9, 12-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Chander et al. US Patent 5,9098,651 and further in view of Khalil US Patent 6,091,9611(hereafter Chander, Khalil).

As per **claim 1**, Chander teaches a method for transmitting/receiving short message broadcast services in a communication system (abstract teaches transmitting/receiving short messages, broadcast message/indicator and common forward channel, figure 5 and C2, L49-51) **but is silent on** a broadcast indicator comprising:

Transmitting a broadcast indicator to notify whether the base station is transmitting a broadcast message to a mobile

Receiving, at the mobile, the broadcast indicator and checking status of the indicator

Receiving, at the mobile, a broadcast message from said base station if the status of the indicator indicates that said base station is transmitting a broadcast message, wherein said message is received through a common control channel during a broadcast cycle.

Khalil teaches broadcast messages for a mobile radio network (C3, L5-11 and figure 2) that uses a broadcast indicator (see claim 1 and claim 7). Said Broadcast message is transmitted via a BTS to other mobiles.

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that a broadcast indicator is used, to provide additional information to the mobile that a broadcast message is to be sent.

Art Unit: 2683

As per **claim 2**, Chander teaches claim 1 further comprising transmitting (BTS to MS) an index through a paging channel prior to transmitting the broadcast indicator, wherein the index is used to calculate the broadcast cycle (abstract teaches slot cycle index and Broadcast Paging Cycle).

As per **claim 9**, Chander teaches claim 1 further comprising a header that contains information regarding the message and its contents (figure 5 and C4, L38-48 and C4, L61-67 to C5, L1-30) which reads on:

Adding a field to an expanded system parameter message and transmitting said field to the mobile, wherein said field notifies whether said base station provides a broadcast indicator

Checking, at the mobile, the status of the indicator, if said field indicates that said base station provides an indicator

Receiving, at the mobile, a broadcast message from said base station if the status of the indicator indicates that said base station is transmitting a broadcast message.

As per **claim 12**, Chander is silent on storing data in the phone memory.

The examiner takes Official Notice that the storing of control data in the phone (eg. network broadcast updates) is known in the art. As a user roams, the phone needs to update its neighbor list, etc.).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the phone stores updates, to ensure that the phone has the most current network information stored in its memory as the user roams.

As per **claim 13**, Chander teaches claim 1 wherein the common control channel is one of either a paging channel or a broadcast channel (Abstract teaches Paging Channel and Broadcast Paging Channel).

As per **claim 14**, Chander teaches claim 1 wherein the mobile enters an idle state if the broadcast indicator indicates the base station is not transmitting a broadcast message (C5, L13-20 reads on the claim).

Claims 8 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Chander/Khalil in view of Heo US 6,563,840 (hereafter Chander, Khalil, Heo).

As per **claim 8**, Chander is **silent on** broadcasting a message via the paging channel.

Heo teaches a broadcast message in a paging channel (C4, L9-10).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that a broadcast message is sent via a paging channel, to piggyback the broadcast message on the paging channel to reduce network traffic.

As per **claim 15**, Chander teaches a method for transmitting/receiving short message broadcast services in a communication system (abstract teaches transmitting/receiving short messages, broadcast message/indicator and common forward channel, figure 5 and C2, L49-51) **but is silent on** the use a an added field in the system parameter message.

Heo teaches a CDMA communication system for implementing broadcast message transmission with a reserved field that can be used in place of the applicant's "added" field. The format of the conventional broadcast message described in FIG. 4 is used as it is. However, a format for the broadcast address field shown in FIG. 6 is added to the conventional address format. Referring to FIG. 6, the field parameter (SEG-CNT) indicates the segmentation count field and the field parameter (SEG-SEQ) indicates the segmentation sequence field. Furthermore, the field parameter (RESERVED) has a reserve bit length. As shown in FIG. 6, the length of one byte is required for the broadcast address field added according to the present invention. The parameter (SEG-CNT) has a two bit length and the parameter (SEG-SEQ) a two bit length. On the other hand, the reserve parameter (RESERVED) has four bit length (C6, L16-45). One skilled in the art would use the reserved field as the "added field" to notify whether a base station provides a broadcast indicator.

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that a field is added in system parameter message, to provide additional information in the system parameter message.

Claims 20 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Chander/Khalil in view of Rydbeck et al. US Patent 6,332,006 (hereafter Chander, Khalil, and Rydbeck).

As per **claims 20 and 26**, Chander teaches a method for transmitting/receiving short message broadcast services in a communication system (abstract teaches transmitting/receiving short messages, broadcast message/indicator and common forward channel, figure 5 and C2, L49-51) **but is silent on** the use of a second common control channel (and monitoring of said second channel). **Rydbeck** teaches the transmission of a message (eg. SMS) via first and second control channels (abstract and claim 55) which would be monitored in order to determine if data is present on either channel. It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that a second channel is used, to provide information as to when a broadcast message will be sent.

As per **claim 22**, Chander **is silent on** if no broadcast indicator is transmitted, then the second common control channel is not monitored for a broadcast message.

Rydbeck teaches the transmission of a message (eg. SMS) via first and second control channels (abstract and claim 55) which would be monitored in order to determine if data is present on either channel. Hence if NO message is transmitted on the first channel, there would be no need to monitor the second channel. It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the second channel is not monitored if no BI is transmitted, to provide means for the phone not to be looking for data when there is no data.

Claims 4-7, 16-17, 19, 22-25, 28-40, 42-43 and 45-82 rejected under 35 U.S.C. 103(a) as being unpatentable over Chander/Khalil in view of [Willey#1 US Patent 6,505,058 or Willey#2 US 6,138,034 or Heo or Butler US et al. US 6,111,865 or Brown Jr. US 6,363,242] (hereafter Willey#1 or Willey #2 or Butler or Brown).

As per **claims 31, 37, 49, 57, 69, 71 and 81**, Chander teaches a method for transmitting/receiving short message broadcast services in a communication system

(abstract teaches transmitting/receiving short messages, broadcast message/indicator and common forward channel, figure 5 and C2, L49-51) and header information (eg. paging indicator) that provides indication to the mobile regarding various operational parameters (C4, L61-67 to C5, L1-20) which reads on "MS being in an idle state and monitoring Page Channel/FCC" **but is silent on** a configuration change indicator.

Willey#1 teaches a method for determining whether to wake up a mobile station. The mobile station includes first configuration parameters relating to a base station. The method includes the steps of receiving a configuration change indicator at the mobile station. The configuration change indicator is indicative that the first configuration parameters relating to the base station are different than second configuration parameters that currently relate to the base station. The method further includes waking up the mobile station to receive the second configuration parameters (Abstract).

With further regard to claims 37, 49, 57, 69, 71 and 81, Chander is silent on use of a Quick Page Channel (QPCH) and 100ms timeline. **Willey#2** (6505058) teaches both the paging indicator and configuration change indicator being transmitted on the QPCH channel (figure 4a, #445 and C9, L19-22) in a mobile system AND a paging indicator assigned between about 100ms and 80ms before the paging channel slot (C16, claims 23-27) which reads on the claim. Willey (6505058) teaches both the paging indicator and configuration change indicator being transmitted on the QPCH channel (figure 4a, #445 and C9, L19-22) in a mobile system.

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that a broadcast indicator is used along with a second control channel and configuration change indicator, to provide means to inform the mobile that a broadcast is to be sent (via several paths/channels) and that configuration changes may be required, to provide information to the mobile that a broadcast message is to be transmitted and that configuration changes may be required (if MS had been in idle state).

As per **claims 4, 6, 16, 29, 33-34, 50 and 67-68**, Chander is **silent on** inserting and transmitting the broadcast indicator in a reserved field of the quick paging channel OR the broadcast indicator is at least two bits.

Butler (6111865) teaches quick paging channel (C2, L24-37) and a paging message format with reserved fields of 2 and 4 bits that would be used for data transmission (eg. QPCH_BI_SUPPORTED).

One skilled would insert less (two) bits for a lower rate channel (eg. 4800bps) and more (four) bits for a higher rate channel (9600bps).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that a reserved field of the quick paging channel is used to transmit broadcast information, to provide means for transmitting additional information to a mobile unit via an IS-95 message standard.

As per **claims 5, 29, 32, 51 and 75**, Chander is **silent on** the quick paging channel further includes a paging indicator (PI) and configuration change indicator (CCI) OR BI sequenced before the CCI on the QPCH.

Willey#1 teaches both the paging indicator and configuration change indicator being transmitted on the QPCH channel (figure 4a, #445 and C9, L19-22) in a mobile system. Sequencing of the BI would not matter, it can be located anywhere in the QPCH channel/message. Monitoring of the QPCH is essential to Willey's invention.

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the PI and CCI are used, to provide means for sending data via the Quick Paging Channel.

As per **claims 7, 17, 25, 52 and 65-66**, Chander is **silent on** the broadcast indicator (BI) being transmitted 100ms prior to transmitting a broadcast message.

Willey#1 teaches a paging indicator assigned between about 100ms and 80ms before the paging channel slot (C16, claims 23-27) which reads on the claim.

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the BI is transmitted 100ms prior to the broadcast message, to provide means for allowing the mobile(s) to know a broadcast message is to be sent.

As per **claim 19**, Chander **is silent on** the mobile entering an idle state if the BI indicates that the BTS is not broadcasting a message.

Willey#1 teaches a method to wakeup a mobile via paging message AFTER a mobile goes to idle/sleep mode (abstract) if the mobile had no data to receive (which reads on the claim).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the mobile enters an idle state if no broadcasts messages are being transmitted, to conserve battery power.

As per **claim 23**, Chander **is silent on** receiving an extended system parameters message containing an BI supported field AND checking the status of the BI if the BI supported field indicates the BTS has provided a BI.

Butler (6111865) teaches quick paging channel (C2, L24-37) and a paging message format with reserved fields of 2 and 4 bits that would be used for data transmission (eg. an extended system parameter message).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that if an extended parameter message is received the BI will be checked, to provide means searching for a BI and subsequently receiving a broadcast message.

As per **claim 28**, Chander **is silent on** means for monitoring a first common channel further to determine a value of a plurality of paging indicators and a configuration change indicator carried on the QPCH.

Chander teaches header information (eg. paging indicator) that provides indication to the mobile regarding various operational parameters (C4, L61-67 to C5, L1-20) which reads on "MS being in an idle state and monitoring Page Channel/FCC" BUT NOT A configuration change indicator.

Willey#1 teaches a method for determining whether to wake up a mobile station. The mobile station includes first configuration parameters relating to a base station. The method includes the steps of receiving a configuration change indicator at the mobile station. The configuration change indicator is indicative that the first configuration parameters relating to the base station are different than second configuration

Art Unit: 2683

parameters that currently relate to the base station. The method further includes waking up the mobile station to receive the second configuration parameters (Abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that an idle mode mobile will monitor the paging channel or FCCC, to ensure that it will be informed if/when a broadcast message is to be sent.

As per **claim 35**, Chander teaches claim 31 wherein the information slot is sent from the base station to a subscriber unit to indicate whether the base station is transmitting a broadcast message (Abstract teaches a broadcast message being indicated/transmitted via the common forward channel).

As per **claim 36**, Chander teaches claim 35 **but is silent on** wherein the base station indicates a broadcast message when the broadcast indicator is set to "1".

The examiner takes Official Notice that the use of the term "indicator" inherently requires the transmission of data that the receiver identifies with the indicator and how it is to interpret it. In digital systems, a one bit indicator would have values of either "0" or "1" while a multi-bit indicator would have combinations of "0's" and "1's". Since the applicant teaches a broadcast or no broadcast, a "1" or a "0" would be used to indicate presence/absence of the broadcast.

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the base station is indicated to have sent a broadcast message when the broadcast indicator is set to "1", to provide information to the mobile that a broadcast is/is not being transmitted.

As per **claim 38**, Chander **is silent on** the broadcast message contains a broadcast page.

Heo teaches the information about the segments is written in the broadcast address field of the broadcast page and the broadcast page is written in the reference slot which is the first of the slots to be transmitted on the paging channel. On the other hand, the mobile station monitors this reference slot and decides the broadcast message and its location to receive by the information of the broadcast address included in the reference slot. Therefore, the transmission of a large amount of

Art Unit: 2683

broadcast message is possible regardless of the load of the paging channel and it is possible to effectively use the paging channel (C5, L22-33).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the broadcast message contains a broadcast page, to provide means for simultaneously paging and transmitting.

As per **claims 39 and 82**, Chander is **silent on** setting the QPCH slot to "OFF" when not expecting a broadcast message in a paging channel slot.

One skilled who sets a field to a "ONE or ON" to notify the mobile that a broadcast message is expected would also set field to "ZERO or OFF" when not expecting a message. Further to this point is **Willey#1** (C15, L30-67).

With further regard to claim 82, Chander teaches header information (eg. paging indicator) that provides indication to the mobile regarding various operational parameters (C4, L61-67 to C5, L1-20) which reads on "MS being in an idle state and monitoring Page Channel/FCC" **but is silent on** a configuration change indicator.

Willey#1 teaches a method for determining whether to wake up a mobile station. The mobile station includes first configuration parameters relating to a base station. The method includes the steps of receiving a configuration change indicator at the mobile station. The configuration change indicator is indicative that the first configuration parameters relating to the base station are different than second configuration parameters that currently relate to the base station. The method further includes waking up the mobile station to receive the second configuration parameters (Abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the QPCH is OFF when no broadcast message is expected, to provide means for the mobile to know when a message is to be transmitted.

As per **claim 40**, Chander teaches the BTS sending data (abstract and figures).

As per **claims 42-43 and 45-46**, Chander is **silent on** the BI positioned two QPCH bit positions prior to last two bits in the first 40ms half of QPCH slot of the QPCH.

Willey#2 teaches various embodiments for a QPCH message (figures 1-3 and 5) and different timings as well (see claims 23-27 in column 16).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the BI is positioned in two QPCH bit positions prior to the last two bits in the first 40ms half of a QPCH slot of the QPCH, to provide means for different embodiments for the placement of BI bits in the QPCH.

As per **claims 47-48, 55-56 and 74**, Chander teaches an apparatus (ie. BTS or mobile) that provides an implementation of the above claimed limitations.

As per **claims 53-54, 58-62 and 76-80**, Chander is **silent on** the a BCAST_INDEX not equal to "000".

Brown teaches a BCAST_INDEX field comprising 3 bits (table in Column 4). Hence one skilled would set the field equal to zero (eg. 000) if no broadcast is being sent and to any other number when a message is being sent. Brown also teaches a Slot Cycle Index for a page response message (table in Column 3) and the Extended Parameter Message (C1, L54-60).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the mobile monitors for broadcasts if the BCAST_INDEX is not 000 along with a slot cycle index, to provide information to the mobile if/when a broadcast is being sent.

As per **claims 63-64 and 72-73**, Chander teaches broadcasting/paging (abstract) which are identified via control channels.

As per **claim 70**, Chander is **silent on** wherein for each slot of the QPCH said at least one BI is adjacent and between said at least one paging indicator and said at least on CCI.

Willey#2 teaches various embodiments for QCPH (figures 1-3 and 5) and how it can be transmitted (Column 16, Claims 23-27) which reads on use of Khalil's BI in various places (eg. between the PI and CCI).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that for each slot of the QPCH said at least one BI is adjacent and between said at least one paging indicator and said at least on CCI, to provide a flexible means for transmitting the BI.

Art Unit: 2683

Claims 41 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Chander/Khalil/Willey in view of Gilhousen et al US Patent 6421,540 (hereafter Gilhousen).

As per **claims 41 and 44**, Chander is **silent on** an indicator rate of the QPCH is 4800bps.

Gilhousen teaches the quick paging channel data rate is typically 9,600 bps. However, it may operate at either rate 1 (9,600 bps), rate 1/2 (4,800 bps) or rate 1/4 (2,400 bps). The quick paging channel rate is typically specified on the paging channel (C6, L38-45).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that it indicates QPCH data rate, to provide means for the mobile to know the data rate of the downlink.

Claims 10-11, 18 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Chander/Khalil in view of Korpela EP-0928119 (hereafter Korpela).

As per **claims 10-11, 18 and 24**, Chander is **silent on** wherein the mobile monitors a first slot of a control channel in every broadcast cycle, if said field indicates that said base station does not provide a broadcast indicator AND the field being transmitted before transmitting the broadcast message.

The examiner notes that if a BI is not used, then the mobile must monitor in every broadcast cycle for a broadcast message.

Korpela teaches monitoring a first channel for information about a message being broadcast (title and abstract) and that it occurs PRIOR to the broadcast.

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the mobile monitors each broadcast cycle for a broadcast message, to determine if a broadcast message is to be sent.

Art Unit: 2683

Claims 3, 21 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Chander/Khalil/Rydbeck further in view of Butler (hereafter Butler).

As per **claims 3, 21 and 27**, Chander teaches claim 1 **but is silent on** wherein the broadcast indicator through a quick paging channel before transmitting a broadcast message (eg. channel one is QPCH and channel two is paging channel).

Chander does teach the use of the Paging Channel (C2, L34-40) and the Quick Page/Paging Channel (QPCH) is known in the art.

Butler teaches the use of a quick paging channel (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Chander, such that the QPCH is used to send the broadcast indicator, to provide several paths to the mobile should a primary path(s) be congested/blocked.

Conclusion

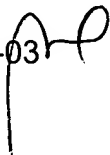
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist on 703-306-0377.

SMD

10-30-03



**WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**